

JUL 29 2000



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

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Box PCT

Washington, D.C. 20231

| | | |
|----------------------|-----------------------|------------------|
| U.S. APPLICATION NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 09/555640 | NGUYEN | Q 045636-5033 |

MORGAN LEWIS & BOCKIUS
1800 M STREET N W
WASHINGTON, DC 20036

INTERNATIONAL APPLICATION NO.

PCT/FR98/02615

I.A. FILING DATE

PRIORITY DATE

03 DEC 98

03 DEC 97

DATE MAILED: 11 JUL 2000

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☐ a Designated Office (37 CFR 1.494),
☒ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

- ☒ a non-English language.
☐ English.

☒ Translation of the international application into English.

☐ Oath or Declaration of inventors(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☐ The International Preliminary Examination Report in English and its Annexes, if any.

☒ Translation of Annexes to the International Preliminary Examination Report into English.

☒ Preliminary amendment(s) filed _____ and _____.

☐ Information Disclosure Statement(s) filed _____ and _____.

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed _____.

☐ Verified Statement Claiming Small Entity Status.

☒ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 OR ☐ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later that the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed:

☐ PCT/DO/EO/917

☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/915 (December 1997)

SHELBY VIGIL, PARALEGAL

Telephone: 703-305-3653



Doctored 7-20-00 Attorney RGA/ECW
Case 45636-5033
Due Date 8-11-00
Action Missing Requirements
By SOW Ck Rg

PLEASE STAMP AND RETURN TO SHOW RECEIPT OF:

U.S. National Phase Application of: Quang Tri NGUYEN et al.
International Application No.: PCT/FR98/02615
U.S. Application No.: 09/555,640
International Appl. Filing Date: December 3, 1998
Date of National Stage Entry: June 2, 2000
For: ERYTHROVIRUS AND ITS APPLICATIONS

ATTN: MISSING PARTS

1. Checks in the amount of \$130.00 and \$40.00
2. Response to Notification of Missing Requirements
3. Copy of Notification of Missing Requirements
4. Declaration and Power of Attorney
5. English Translation of International Preliminary Examination Report
6. International Search Report
5. Information Disclosure Statement
6. Form PTO-1449, 8 documents as listed
7. Recordation Cover Sheet
8. Assignment

Dated: August 10, 2000
Attorney Docket No.: 045636-5033
ECW/ybm



DOCKETED
By SDW Date 8-11-00

PCT
526 Rec'd PCT/PTO 10 AUG 2000

PATENT

ATTORNEY DOCKET NO.: 045636-5033

#3



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Quang Tri NGUYEN et al.)

U.S. Application No.: 09/555,640)

Group: Unassigned

International Appl. Filing Date: December 3, 1998)

Date of National Stage Entry: June 2, 2000)

Examiner: Unassigned

For: ERYTHROVIRUS AND ITS APPLICATIONS)

BOX PCT

Commissioner for Patents
Washington, D.C. 20231

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 USC 371 IN THE U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. This replies to the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed July 11, 2000.

A copy of the Notification of Missing Requirements (Form PTC/DO/EO/905) is enclosed.

2. Declaration Or Oath

☒ [X] No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney.

☐ [] The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.

☐ [] The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.

3. English Translation of Non-English Language Papers

☐ [] Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.

☐ [] Also enclosed is the Verification of Translation Document

08/14/2000 ERMANDO 00000125 09555640

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4. Small Entity Statement(s)
☐ Verified Statement(s) that this is a filing by a small entity
☐ is attached
☐ was filed on _____.

5. Fee Calculation

| | | | | |
|--|--------------|--------------|--|-------------------------------|
| | | | Basic Fee: PCT Application-\$840.00 | \$840.00 (previously paid) |
| | Number Filed | Number Extra | at a Rate of | |
| Total Claims | 9-20 = | 0 | \$18.00 each = | +\$0.00 |
| Independent Claims | 1- 3 = | 0 | \$78.00 each = | +\$0.00 |
| Multiple dependent claim(s), if any | | | \$260.00 | +\$0.00 |
| Missing Requirements Surcharge Fee | | | \$130.00 | \$130.00 |
| SUB-TOTAL = | | | | \$130.00 |
| Fee For Application Filed With A Non-English Specification (37 CFR 1.17(k) and 1.52(d)) | | | \$130.00 | + |
| Fee For Processing and retention of application (37 CFR 1.21(l) and 1.53(d)) | | | \$130.00 | + |
| TOTAL FILING FEE = | | | | \$130.00 |

6. Extension of Time
The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.
☐ Applicant petitions for an extension of time, the fees for which are set out in 37 CFR 1.17(a)-(d), for the total number of months checked below:

| <u>Total months requested</u> | <u>Fee for extension</u> | <u>[fee for Small Entity]</u> |
|---------------------------------------|--------------------------|-------------------------------|
| <input type="checkbox"/> one month | \$ 110.00 | \$ 55.00 |
| <input type="checkbox"/> two months | \$ 400.00 | \$200.00 |
| <input type="checkbox"/> three months | \$ 950.00 | \$475.00 |
| <input type="checkbox"/> four months | \$1,510.00 | \$755.00 |

Extension of time fee due with this request: \$ _____

If an additional extension of time is required, please consider this a Petition therefor.

- ☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

7. Fee Payment

| | | |
|-----------------------|-----------------|-----------------|
| The total fee due is: | Completion Fees | <u>\$130.00</u> |
| | Assignment Fees | <u>\$40.00</u> |
| | Total Fee Due | <u>\$170.00</u> |

[X] Enclosed are two checks in the amounts of \$130.00 and \$40.00, representing the Missing Requirements Surcharge and an assignment recordation fee.

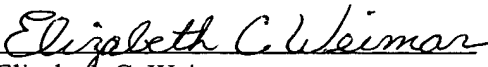
[X] **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

8. Additional papers enclosed.

- [] Preliminary Amendment
- [X] International Search Report
- [X] PCT/IPEA/409-English translation of the International Preliminary Examination Report
- [X] Information Disclosure Statement
- [X] Form PTO-1449, 8 documents as listed
- [] Declaration of Biological Deposit
- [] Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP


Elizabeth C. Weimar
Reg. No. 44,478

Date: August 10, 2000

Customer No. 009629
MORGAN, LEWIS & BOCKIUS LLP
1800 M Street, N.W.
Washington, D.C. 20036
(202) 467-7000